

United States District Court
Western District of Seattle

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Defendant
Jose Sosa

Civil Action No. BY
16-cv-1273RSM

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

MOTION TO DISMISS

Defendant submits a motion to dismiss based on the following

1. An IP address is not a reliable or legitimate form of identification of person. The definition of an IP address is identification or address of a computer not a person. There has not been any proof presented to say such is owned or has been used by Jose Sosa. Yet the Plaintiff proceeds to action against an individual without sufficient evidence.
2. Jose Sosa is a hard working father of 4. He attempted to contact the plaintiff's legal staff after they sent a letter on September 24, 2016 asking for voluntary cooperation. Jose explained he review the computers in his home, talked to his children, changed his passwords on the wifi and computers so a password is needed before any software download. In Jose's conversation with the Lowe, Graham, Jones law firm. He stated he did due diligence to find and infringer and intent. Also did due diligence with complying with the Plaintiffs relief.
3. The Plaintiff is without an verified infringer and without intent.
4. Jose is asking relief on timelines, the Plaintiff's attorney served him on 12/30 right before a holiday weekend to notify the defendant that he had 60 days from their original file date of 11/4/2016 which is 1/03/2017, to file a response or the civil complaint would go into default. This did not give the defendant time to properly respond.

Based on the above information, we ask the courts to move the dismiss this action against Jose Sosa.

